

JURORS TO TRY DAY ON MURDER CHARGE SWORN

State Expects to Convict Accused in Newspaper Shooting Fracas

DURANGO, Colo., Dec. 5.—(By the Associated Press)—Events in the murder trial of Rod S. Day, charged with having shot to death William L. Wood on the morning of April 24, moved forward rapidly here today.

Later in the afternoon a jury of 12 had been chosen and was sworn in.

In his opening statement for the state Deputy District Attorney John B. O'Rourke stated briefly what the state expects to prove in its charge of first degree murder filed against Day. Day, he said is managing editor of the Durango Democrat and as such, responsible for what appears in that paper, politically and editorially. Wood, he asserted, was city editor of the Durango Herald, responsible for the news matter it published, but not for its editorial or political utterances or policies.

"Wood was young," O'Rourke said "rather new in newspaper work. For some time during the world war, he was stationed on the Atlantic coast in New Jersey where he met and married his second wife."

The controversy which led up to the shooting of Wood, O'Rourke told the jury, started after the publication in the Herald of a paragraph credited to the Moprose Colo. Press. The paragraph appeared in the Herald April 20, last, under the heading "Getting tired" "Getting tired" and was as follows:

"Durango Democrat is about the only paper coming to our desk that is raising a howl about prohibition. It is publishing all sorts of fake matter purporting to show that prohibition is a failure and that booze is coming back. Better forget it."

O'Rourke said that Day replied through the Democrat in the paper's next issue and asked what the Herald's position was on the 18th amendment. The Herald replied and in addition intimated that Day had been in a hospital for three months because of "too much drink."

In a subsequent issue, the Democrat said: "Our shortcomings are our own," and suggested that Wood look into his own affairs and mentioned Wood's divorce from his first wife.

O'Rourke then recited that on Monday, April 24, the day of the shooting, Wood was on the street looking for news items for his paper, that about 11 o'clock Wood and Day met and quarreled and as a result of the encounter Wood was wounded

De Valera Urges People to Refuse Payment of Taxes

DUBLIN, Dec. 5.—(By the Associated Press)—Eamon de Valera tonight issued a proclamation enjoining all citizens of the "republic" to refuse to pay income tax, land commission annuities, and other rents or duties to the congested districts board.

The people generally are told to refuse to pay all "moneys demanded by any department, acting with or under authority of the British government, either directly or through its servants or agents, the so-called provisional government or any other body purporting to exercise authority derived from the British parliament."

"Citizens of the republic are hereby notified that arrangements will be made forthwith by the government of the republic for the assessment, collection and disbursement, in the interest of citizens, all taxes, rents, annuities and other public revenues payable to the government of the republic."

fatally by a revolver bullet. A revolver was taken from Day, he said, showing that two shots had been fired.

O'Rourke asked that the jury return a verdict of guilty against the defendant.

B. B. Russell, of counsel for the defense, said in reply, that the defense would show that Day had not shot Wood when he did that the jury "would be trying Wood instead of Day."

Wood was younger than Day, Russell asserted, "bigger, athletically, more than a match for the defendant in a physical encounter."

"Day was accustomed to carrying a revolver because he lived in a remote part of town, and his newspaper work made it necessary for him to go home at late hours."

Day's paper, the Democrat, in today's story of the trial, pointed out that while Day is charged with first degree murder, the state attorneys thus far have not asked the jury that the death penalty be inflicted should he be found guilty as charged.

STORM DISPERSES BARGES

UTICA, N. Y., Dec. 5.—Caught in a furious gale, a fleet of five barges owned by the Niant Marine Corporation of New York City, was torn apart and partially destroyed on Oneida Lake late this afternoon. Two of the barges sunk. The others are stranded on Verona beach. All members of the crews were rescued. Today's loss is estimated at \$100,000.

LET PAVING CONTRACT

YUMA, Ariz., Dec. 5.—The largest single contract for asphalt paving ever awarded in this county was let today by the Yuma county highway commission to a local firm of contractors for the construction of 42 miles of paved road in the Yuma valley.

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OPPOSES AMENDMENT

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cast their ballots directly for president and vice president. The vote would be canvassed by the senate and house meeting in joint session, each state being given as many votes for this purpose as it has senators and representatives.

If such a canvass by states should disclose lack of a majority, then the president would be chosen by a majority vote of the house "from the persons having the highest numbers, not exceeding three, on the list of those voted for as president." The vote for vice president would be canvassed in a similar manner, except that in event of no choice by a majority of the voters, the senate would select that official as between the two persons receiving the largest number of votes.

The committee in reporting the amendment resolution through its chairman, Senator Norris, pointed out that the proposed system might result in the election of a president and vice president from different parties—"a matter of fundamental justice we ought to be protected by law in taking ***** should we desire to do it."

The amendment would further provide that the terms of senators and representatives should begin the first Monday in January following the biennial congressional election and that congress should meet each year on that date. This would wipe out the session of the special congress after the biennial elections. Another provision of the amendment would be to change the date inauguration of the president from March four to the third Monday in January.

White House officials in presenting President Harding's views on the proposal represented the executive as feeling that constant changes in the constitution were unnecessary and in some cases unwise. Mr. Harding, it was said, regarded the procedure under the constitution whereby a new congress does not meet for more than a year after its election as one of the wisest steps taken by the nation's founding fathers as it allows passions to cool.

The agriculture committee in its report, however, took an opposite view, declaring "the present condition of affairs is not only unfair to the citizenship at large, who have expressed their will as to what legislation they desire but it is likewise unfair to their servants whom they have elected to carry out this will."

At the same time the agriculture committee was in session a judiciary sub-committee heard an endorsement from William Lowell Putnam of Boston, representing the American Bar Association, for the pending Ashurst resolution amending the constitution so that the terms of president and congress should begin soon after the election. No action was taken by the sub-committee on the resolution.

TIGER VISITS HARDING

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presented as feeling that America could not take upon its shoulders responsibility for directing the affairs of the world.

It has been expected that the French war premier would drive to Woodrow Wilson's home from the White house, but the visit was postponed until tomorrow afternoon, to serve the former president's convenience. So the Tiger went sight seeing.

Secretary Hughes, Mellon, Weeks and Denby and Major General Tasker H. Bliss, retired, met Clemenceau at luncheon at the White house. Then he started on a round of social calls, visiting Mrs. Robert W. Bliss, wife of the former assistant secretary of state and dropping at the French embassy for tea.

Returning to the White residence again he gave an interview to the greatest array of newspaper men he has ever met in the United States. There were present nearly 100, representing the Washington corps of correspondents, many of whom had confronted the Tiger frequently at Paris during the peace conference.

CLARA MAKES ESCAPE

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placed guards at every depot to scrutinize outgoing passengers, telegraphed descriptions of the woman and her husband to nearby peace officers and personally led a search of those places to which it was believed the woman might have fled.

Investigation at the jail indicated that at least three persons had aided the woman. Her quarters were on the third floor of the old jail building and she occupied a tank cell overlooking a roof of an auxiliary structure a story lower. Footprints and other marks on this roof led the deputies who investigated that angle of the escape to announce that at least two persons aided her on the roof and that one or two more awaited them in an automobile at the street level.

The Los Angeles county jail stands in the main business section of the city. It is within a block of the federal building, where postal activities are continuous. Street cars pass along one side, even in the quiet hours of the night; taxicabs and automobiles jockey over the street. There are always jollers and matrons on duty and a glare of street lamps surround it.

The sheriff announced that a number of persons who were connected

with the trial of Mrs. Phillips would be sought to throw what light they could on the escape, and Harry Karst a defense witness, was the first to appear at the sheriff's office.

Karst told the officers that at the request of Armour Phillips, husband of Mrs. Phillips, he had picked the latter up yesterday at the home of Mrs. Phillips' sisters, and had brought him down town and left him at a garage. He said he had not seen Phillips since.

Authorities were unable to locate Armour Phillips until tonight. The matron on duty at the time of the escape was Mrs. W. D. Fisher, long a member of the jail staff. She said she visited Mrs. Phillips in her cell at about 9:30 last night, found her in bed and complaining of illness. Mrs. Fisher said she then returned to the matron's quarters about 25 feet from the door of Mrs. Phillips' cell. She said during the night she heard nothing unusual.

Mrs. Fisher said she knocked on all the cell doors at 6:30 this morning and then awoke the women in the dormitory. Women assigned to cells have their breakfast in their cells. Mrs. Phillips' breakfast was put on a shelf in her door as usual. Later the cells were unlocked and when Mrs. Fisher noticed that Mrs. Phillips had not appeared, she asked other prisoners concerning her and they said she was "around here some place." Still unable to locate her, the matron resumed her routine work and then, she said, a woman who occupied a cell adjoining that of Mrs. Phillips told her that Mrs. Phillips had escaped.

Cells in the women's wards have inside curtains. The curtain in Mrs. Phillips' cell was down and this delayed discovery of the escape.

Information obtained late tonight by the Los Angeles Times was that Mrs. Phillips was believed to have planned her escape over a jail telephone yesterday afternoon.

The Times will state tomorrow that it learned she was permitted to use a telephone in the matron's quarters of the jail "without interference or censor by jail authorities and held a long conversation with an unidentified man the afternoon preceding her escape."

The telephone is on a direct line to central and does not go through county offices' switchboard. Deputy sheriff tomorrow plan to expand their search into lower California as far as Escondido, about 90 miles south of San Diego, it was announced. They were in the vicinity of Tia Juana, Lower California.

H. Charlson who conducts a tire shop here told the authorities tonight that "a woman he recognized as Mrs. Phillips" accompanied by a man about 35 years old, stopped their automobile in front of his shop about 9 o'clock this morning.

"The man asked for two good desert tires in a hurry," Charlson was quoted. He threw a \$50 bill at me and told me to keep the change."

Martial Law Is Now Ended in Guatemala

WASHINGTON, Dec. 5.—Constitutional rights have been restored and martial law ended in Guatemala, according to official advices received by Minister Latour from his government. The restrictions were put into effect a little over three months ago because of uprising in some of the departments against the Orellana government which took office a year ago. The situation was now said to be in control of the government.

WINS WRESTLING BOUT

QUINCY, Ill., Dec. 5.—Paul Prehn, wrestling instructor of the University of Illinois, won a straight fall victory over Roger Albrecht, "Flying Dutchman," of St. Louis here tonight.

FEW FOLKS HAVE GRAY HAIR NOW

Druggist Says Ladies Are Using Recipe of Sage Tea and Sulphur

Hair that loses its color and lustre, or when it fades, turns gray, dull and lifeless, is caused by a lack of sulphur in the hair. Our grandmothers made up a mixture of Sage Tea and Sulphur to keep her locks dark and beautiful, and thousands of women and men who value that even color, that beautiful dark shade of hair which is so attractive, use only this old-time recipe.

Nowadays we get this famous mixture improved by the addition of other ingredients by asking at any drug store for a bottle of "Wyeth's Sage and Sulphur Compound," which darkens the hair so naturally, so evenly, that nobody can possibly tell it has been applied. You just dampen a sponge or soft brush with it and draw this through your hair, taking one small strand at a time. By morning the gray hair disappears; but what delights the ladies with Wyeth's Sage and Sulphur Compound is that, besides beautifully darkening the hair after a few applications, it also brings back the gloss and lustre and gives it an appearance of abundance.

Section Hand's Son Confesses to Wreck Causing Two Deaths

ANOKA, Minn., Dec. 5.—Lester Forsgren, son of a railroad section hand, living near the tracks of the Great Northern railway at Anokan, Minn., near here, today confessed, according to authorities to having swung a switch just outside the station, causing the wreck of a freight train; November 26, when two trainmen were killed and a third seriously injured.

Lester, who is 11 years old, was apprehended this afternoon by Frank Hogan, assistant chief special agent of the Great Northern.

The father of the boy induced him to confess, according to Mr. Blanchard.

The lad's story was briefly to the effect that he had passed the switch, seen that it was not locked, had raised the lever and turned it, and then had lacked sufficient strength to reset the switch in position. The boy said he was afraid to notify authorities or railroad men and consequently the freight train crashed into the open switch.

Lester Forsgren, according to County Attorney Blanchard, is large and well developed physically. He is in the fifth grade of the Anokan school.

The county attorney said the lad appeared to be sub-normal mentally. A charge of delinquency, the only charge applicable to so young a child will be placed against Forsgren.

TIGER TO BE GUEST

WASHINGTON, Dec. 5.—Former Premier Georges Clemenceau of France has been invited as the guest of honor at tomorrow evening's session of the eighth convention of the National Rivers and Harbors commission which opens here tomorrow. The meeting is to last for three days.

Ouch! Pain, Pain. Rub Rheumatic, Aching Joints

St. Jacobs Oil stops any pain, and rheumatism is pain only.

Not one case in fifty requires internal treatment. Stop drugging! Rub soothing, penetrating St. Jacobs Oil right into your sore, stiff, aching joints and relief comes instantly. St. Jacobs Oil is a harmless rheumatism liniment, which never disappoints, and cannot burn the skin.

Limber up! Quit complaining! Get a small trial bottle of old, honest St. Jacobs Oil at any drug store, and in just a moment you'll be free from rheumatic pain, soreness and stiffness. Don't suffer! Relief awaits you. St. Jacobs Oil is just as good for sciatica, neuralgia, lumbago, backache, sprains.

SNOW ON HIGHWAY
PHOENIX, Dec. 5.—The entire length of Old Trails highway through the snow falling region westward from Flagstaff has been surfaced with cinders, according to a report issued today by the state highway department. The last stretch of unsurfaced road lying between Williams and Flagstaff was completed recently by the department on the day before a snow fall of 19 inches.

PENN. U. S. OF C. TO PLAY
PORTLAND, Ore., Dec. 5.—The University of Southern California football team was selected to meet the Pennsylvania State eleven in the New Year's game at Pasadena, Calif., according to announcement received tonight from Dr. U. G. Duback, president of the Pacific coast intercollegiate conference.

MEXICANS DEPORT CHINESE
MEXICO CITY, Dec. 5.—One hundred and seventy-eight Chinese are imprisoned at Mazatlan awaiting deportation. They are charged with rebellious activities at Sinaloa. They attempted to mutiny last night, but the guards succeeded in putting down the disorders.

SIX KILLED IN ELECTIONS
MEXICO CITY, Dec. 5.—Six persons were killed and many injured at Comitan, state of Chiuhahua, during the city elections Sunday, according to delayed advices received by the secretary of the interior.



DR. BELL'S Pine-Tar Honey
The most stubborn, throat-rasping coughs cannot survive a few doses of Dr. Bell's—that good old-time remedy. There is ease and relief in the very first teaspoonful of this soothing pine-tar-honey compound. Dr. Bell's heals the raw spots—loosens, then stops the cough. Pleasant to take! 30c—All druggists.
"Refuge substitute FINE-TAR HONEY" Insert on Dr. BELL'S.

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Latest French and American Songs

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No other Laxative can replace Dr. Caldwell's in the confidence of those who use it

THERE are thousands of healthy, robust young men and women who have never in all their lives taken any other laxative for constipation than Dr. Caldwell's Syrup Pepsin.

Their parents were given it by their parents. The grandparents are using it today. It is the one laxative ideally suited to all the family, safe for the little ones, effective in grownups, so compounded that elderly people, who are constantly forced to take a laxative because the intestinal muscles are weakening, find increased dosage unnecessary. This wonderful constipation remedy has been used continuously for 30 years, and over 10 million bottles are now sold annually, the largest selling family laxative in the world! The cost averages but a cent a dose. Every druggist sells it, and under a guarantee to do as claimed or your money will be refunded.

Millions of carefully conducted homes are never without a bottle of Dr. Caldwell's Syrup Pepsin.

ANY FAMILY MAY TRY IT FREE

Thousands of parents are asking themselves, "Where can I find a trustworthy laxative that anyone in the family can use when constipated?" I urge you to try Syrup Pepsin. I will gladly provide a liberal free sample bottle, sufficient for an adequate trial. Write me where to send it. Address Dr. W. B. Caldwell, 515 Washington St., Monticello, Illinois. Do it now!

Mr. J. B. Belk of Shaw, Miss., relies on it entirely to keep his children in health, and Mrs. Catherine Connolly of Jersey City, N. J., declares that not only herself but all her neighbors and friends use it and tell others about it. There is scarcely a day that someone in a family does not need it for constipation, flatulency, auto-intoxication, biliousness, intestinal poisoning, headaches, colic and cramps, and to break up fevers and colds.

Dr. Caldwell's Syrup Pepsin is a scientifically-balanced compound of Egyptian senna with pepsin and pleasant-tasting aromatics. The formula is on the package. As the popularity of this natural vegetable laxative increases, the public discards the harsher physics like calomel, castor in candy form, salt waters and powders. Dr. Caldwell's Syrup Pepsin empties the bowels more cleanly and without any danger.

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The family laxative

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Of the same material in sizes 4, 6, 8, and 10 years. Specially priced at—

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In the most dainty colorings and white, trimmed with ribbons. Specially priced at—

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